

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ALLAN PARMELEE,

11 Plaintiff,

12 v.

13 TONY DUNNINGTON, et al.,

Defendants.

CASE NO. C11-5771 RBL-KLS

ORDER DENYING MOTION FOR
RECONSIDERATION

[Dkt. #89]

14 THIS MATTER is before the Court on the Plaintiff's Motion for Reconsideration [Dkt.

15 #89] of the Magistrate Judge's Order [Dkt. #88] Denying Plaintiff's Motion to Compel [Dkt.

16 #73] and his Motion for an Extension of Time [Dkt. #75].

17 Under Local Rule 7(h)(1), motions for reconsideration are disfavored, and will ordinarily
18 be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or legal
19 authority which could not have been brought to the attention of the court earlier, through
20 reasonable diligence. The term "manifest error" is "an error that is plain and indisputable, and
21 that amounts to a complete disregard of the controlling law or the credible evidence in the
22 record." Black's Law Dictionary 622 (9th ed. 2009).

1 Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of
2 finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d
3 877, 890 (9th Cir. 2000). "[A] motion for reconsideration should not be granted, absent highly
4 unusual circumstances, unless the district court is presented with newly discovered evidence,
5 committed clear error, or if there is an intervening change in the controlling law." *Marlyn*
6 *Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Neither
7 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for
8 reconsideration, is intended to provide litigants with a second bite at the apple. A motion for
9 reconsideration should not be used to ask a court to rethink what the court had already thought
10 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.
11 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for
12 reconsideration, and reconsideration may not be based on evidence and legal arguments that
13 could have been presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT &*
14 *T Co.*, 363 F.Supp.2d 1253, 1269 (D. Haw. 2005). "Whether or not to grant reconsideration is
15 committed to the sound discretion of the court." *Navajo Nation v. Confederated Tribes & Bands*
16 *of the Yakima Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

17 Plaintiff has made no such showing under this standard. The Motion for Reconsideration
18 [Dkt. #89] is DENIED.

19 IT IS SO ORDERED.

20 Dated this 23rd day of May, 2013.

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23 RONALD B. LEIGHTON
24 UNITED STATES DISTRICT JUDGE